

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2019-0820-05	REGULATORY ACTION NUMBER 2019-1016-03 S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Coastal Commission			AGENCY FILE NUMBER (if any)

ENDORSED - FILED
 In the office of the Secretary of State
 of the State of California

NOV 27 2019

11:12 Am

2019 OCT 16 P 4:18
 OFFICE OF ADMINISTRATIVE LAW

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER 2019 35-2	PUBLICATION DATE 8/30/2019

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Continued update of procedures	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2019-0619-055
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT see attached
	AMEND see attached
	REPEAL see attached
TITLE(S) 14	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
 N/A

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Robin Mayer	TELEPHONE NUMBER (415) 904-5220	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) robin.mayer@coastal.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Susan M. Hansch</i>	DATE 10/15/2019
TYPED NAME AND TITLE OF SIGNATORY Susan M. Hansch, Chief Deputy Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 27 2019

Office of Administrative Law

Z-2019-0820-05

Sections affected:

AMEND:

§§ 13032, 13053, 13055, 13056.1, 13057, 13096;

§§ 13107, 13108, 13111, 13137, 13149, 13180, 13181, 13183, 13185, 13190, 13191, 13193;

§§ 13248, 13250, 13253, 13302, 13318, 13333;

§§ 13518, 13519, 13544, 13544.5, 13547, 13549, 13551, 13552, 13569, 13573;

and § 13637.

REPEAL:

§§ 13025 and 13559.

FINAL REGULATION TEXT

Z-2019-0820-05

~~§ 13025. Voting—Prerequisite of Notice.~~

~~The commission shall not vote upon substantive or policy matters of general importance, including permit applications when adequate descriptive notice has not been given as part of the required notice of the meeting. This shall include actions to be taken on personnel matters such as appointment or removal of Chairperson, Vice Chairperson, and Executive Director.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.~~

§ 13032. Duties and Delegation.

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~~(e) The executive director of the commission shall, when authorized by resolution of the commission, establish administrative procedures necessary to implement these regulations. Such administrative procedures shall be reduced to writing, shall be kept current with any amendments thereto, and shall be made available to all persons who shall be provided a copy of such procedures upon request and upon the payment of a reasonable fee.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30335, Public Resources Code.~~

§ 13053. Where Exceptions to Requirement for Preliminary Approvals Are Not Required.

(a) The executive director may waive the requirement for preliminary approval by other federal, state or local governmental agencies for good cause, including but not limited to:

- (1) The project is for a public purpose;
- (2) The impact upon coastal zone resources could be a major factor in the decision of that state or local agency to approve, disapprove, or modify the development;

(3) Further action would be required by other state or local agencies if the coastal commission requires any substantial changes in the location or design of the development; or

(4) The state or local agency has specifically requested the coastal commission to consider the application before it makes a decision or, in a manner consistent with the applicable law, refuses to consider the development for approval until the coastal commission acts; er

~~(5) A draft Environmental Impact Report upon the development has been completed by another state or local governmental agency and the time for any comments thereon has passed, and it, along with any comments received, has been submitted to the commission at the time of the application.~~

(b) Where a joint development permit application and public hearing procedure system has been adopted by the commission and another agency pursuant to Public Resources Code section 30337, the Commission may waive the requirements of Section 13052 with appropriate findings ~~shall be modified accordingly by the commission at the time of its approval of the joint application and hearing system.~~

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 65941, Government Code; and Section 30620, Public Resources Code. Section 30620, Public Resources Code; and Section 65941, Government Code.

§ 13055. Fees.

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(d) Fees for an after-the-fact (ATF) permit application shall be five times the amount specified in section (a) unless such added increase is reduced by the Executive Director when it is determined that either:

(1) the ATF permit application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit), or

(2) the owner did not undertake the development for which the owner is seeking the ATF permit; er

[flush left] ~~but in~~ In no case shall such reduced fees be less than double the amount specified in section (a) above. For applications that include both ATF development and development that has not yet occurred, the ATF fee shall apply only to the ATF development. In addition, payment of an ATF fee shall not relieve any persons from fully complying with the requirements of Division 20 of the Public Resources Code or of any

permit granted thereunder or from any penalties imposed pursuant to Chapter 9 of Division 20 of the Public Resources Code.

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30620(c), Public Resources Code.

§ 13056.1. Reapplication.

(a) Following a withdrawal of or a final decision upon an application for a coastal development permit, no applicant or successor in interest to an applicant may reapply to the commission for a development permit for substantially the same development for a period of six (6) months from the date of the prior withdrawal or final decision. The executive director shall decide whether an application is for "substantially the same" development as that which was withdrawn or upon which a final determination has been rendered within the filing determination period set forth in section 13056.

(b) If the executive director determines, on a case-by-case basis, that an application is for substantially the same development as that which was withdrawn or upon which the commission has rendered a final decision within the previous six months, the executive director shall reject the application for filing.

(c) If the executive director determines, on a case-by-case basis, that an application is not for substantially the same development as that which was withdrawn or upon which the commission has rendered a final decision within the previous six months, the application shall be treated as a new application.

(d) The applicant or the successor in interest to an applicant may appeal to the commission the determination of the executive director in the manner provided in section 13056. The commission may vote to overturn the determination of the executive director. Otherwise the executive director's determination shall stand.

(e) The commission or the executive director may waive the six-month waiting period provided in this section for good cause.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

§ 13057. Preparation of Staff Reports.

(a) The executive director shall prepare a written staff report for each application filed pursuant to section 13056, ~~except~~ except as provided for in section 13058 (consolidated staff reports), section 13150 (administrative permits) and section 13238.1 (waivers of permit application). ~~The~~ the staff report shall include, at a minimum, the following:

- (1) an executive summary that includes a brief project description, a summary of significant issues, and the staff recommendation;
- (2) a description of the proposed development, with any necessary exhibits of maps, plans, photographs, and other visual or graphic materials;
- (3) a staff recommendation for the Commission to approve, conditionally approve, or deny the application, supported by specific findings with analysis of whether the proposed development conforms to the applicable standard of review; and,
- (4) for approvals, all recommended standard and special conditions.

- ~~(1) An adequate description, including legible and reproducible maps, plans, photographs, etc. of the proposed development, project site and vicinity sufficient to determine whether the proposed project complies with all relevant policies of the Coastal Act;~~
- ~~(2) A summary of significant questions of fact;~~
- ~~(3) A summary of the applicable policies of the Coastal Act;~~
- ~~(4) A copy or summary of public comments on the application;~~
- ~~(5) A summary of any issues of the legal adequacy of the application to comply with the requirements of the Coastal Act;~~
- ~~(6) Staff's recommendation, including specific findings, prepared in accordance with subsection (c).~~

~~(b) The staff report shall also include as applicable:~~

- ~~(1) A copy or summary of the Environmental Impact Report or Environmental Impact Statement as it relates to the issues of concern to the commission, or if no such report was prepared, any negative declaration or finding of no significant impact;~~
- ~~(2) A discussion of related previous applications;~~

~~(c) The staff's recommendation required by subsection (a)(6) above shall contain:~~

- ~~(1) Specific findings, including a statement of facts, analysis, and legal conclusions as to whether the proposed development conforms to the requirements of the Coastal Act including, but not limited to, the requirements of Public Resources Code section 30604.~~
- ~~(2) Specific findings evaluating the conformity of the development with the requirements of section 21080.5(d)(2)(A) of the Public Resources Code.~~
- ~~(3) Responses to significant environmental points raised during the evaluation of the proposed development as required by the California Environmental Quality Act.~~

~~(4) A recommendation as to whether the commission should grant the application, with or without conditions, or deny the application.~~

~~(5) In the case of a recommendation of approval with conditions, identification of the specific conditions recommended by the executive director and a discussion of why the identified conditions are necessary to ensure that the development will be in accordance with the Coastal Act.~~

(db) Notwithstanding the requirements of ~~subdivision~~ subsection (a)(6) hereof, with respect to any application, the executive director may elect to prepare first a partial staff report that does not contain the recommendation required by subsection ~~(a)(3), (e)(4) and (e)(5)~~ if where he or she determines that public comment and commission discussion would facilitate preparation of such recommendation. The executive director shall comply with all other procedures applicable to staff reports including procedures for the distribution of staff reports and for the noticing of hearings.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections ~~21080.5,~~ 30604, 30607 and 30620, Public Resources Code.

§ 13096. Commission Findings.

(a) All decisions of the commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with Public Resources Code section 30604 and Public Resources Code section 21000 and following, and findings of fact and reasoning supporting the decision. The findings shall include all elements identified in section 13057 ~~(a)(e)~~.

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 21080.5, 30006, 30315.1, 30333, 30604 and 30621, Public Resources Code.

*§ 13107. Suspension of Permit.

Where the executive director determines in accord with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended unless and until the commission votes to deny the request for revocation. The executive director shall notify the permittee by mailing or transmitting by other reasonable means a copy of the request for revocation and a summary of the procedures set forth in this article, to the permittee's last known address shown in the permit application. The executive director shall also advise the applicant-permittee in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act of 1976 and subject to the penalties set forth in Public Resources Code, Sections 30820 through 30822.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30620, 30820, 30821, and 30822, Public Resources Code.

*The underlying text is the approved version of Section 13107 from Rulemaking 2019-0619-055. The proposed edits are in addition to, and do not conflict with, the approved amendments.

§ 13108. Hearing on Revocation.

(a) ~~At the next regularly scheduled meeting, and a~~After a staff report and recommendation have been prepared, and after notice has been transmitted to the permittee and any persons the executive director has reason to know would be interested in the permit or revocation, the executive director shall report the request for revocation to the commission with a ~~preliminary~~ recommendation on the merits of the request.

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(c) The commission shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the commission requests~~wishes~~ the executive director or the Attorney General to perform further investigation.

(d) A permit may be revoked by a majority vote of the members of the commission present if it finds that either any~~of~~ of the grounds specified in Section 13105(a) or (b) exist. If the commission finds that the request for revocation was not filed with due diligence following approval of the permit, it shall deny the request.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620~~30333~~, Public Resources Code.

*§ 13111. Filing of Appeal.

(a) An appeal of a local government's decision on a coastal development permit application (or local government equivalent) may be filed by an applicant or any aggrieved person who has exhausted local appeals, or any two (2) members of the Commission. The appeal ~~must~~shall be submitted on a commission appeal form and shall contain, at a minimum, the following information:

...

~~The filing of the notice of appeal should also contain information which the local government has specifically requested or required.~~

...

(c) The appeal shall be submitted on a commission appeal form that is signed by all appellants and must shall be received in the Commission district office with jurisdiction over the local government on or before no later than 5:00 p.m. on the tenth (10th) working day after receipt of the notice specified in Section 13110 by the executive director. An appellant may submit the appeal form via electronic mail, but the appeal shall be deemed to be timely filed only if it is received by the general email account of the district office with jurisdiction over the local government, no later than 5:00 p.m. on the final day of the appeal period. Transmittal of an appeal to any other email address does not constitute proper or timely submittal of the appeal form, and the appeal shall be rejected. For purposes of meeting the deadline, an appellant may e-mail the completed Notice of Appeal to the general email account of the appropriate district office, provided the appellant additionally mails the notice to the district office with a postmark no later than the close of the appeal period.

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Note: Authority cited: Sections 30333, 30620.6, Public Resources Code. Reference: Sections 30620(c), 30620.6 and 30625, Public Resources Code.

*The underlying text for subdivision (c) is the approved version from Rulemaking 2019-0619-055. The proposed edits are in addition to the approved amendments, except for the last sentence in subdivision (c) (proposed for strikeout), which would supersede (retract) an approved amendment.

§ 13137. Immediate Action Required.

It is recognized that in some instances a person or public agency performing a public service may need to undertake work emergency development to protect life and public property, or to maintain public services before the provisions of the Subchapter can be fully complied with. Where such persons or agencies are authorized to proceed without a permit pursuant to Public Resources Code, Section 30611, they shall comply with the requirements of Public Resources Code Section 30611 and Section 13144(a), and to the maximum extent feasible, with the other provisions of this Subchapter. The person or public agency performing the emergency work shall apply for a follow-up regular permit to authorize the development undertaken to address the emergency.

Note: Authority cited: Sections 30333 and 30624, Public Resources Code. Reference: Section 30611, Public Resources Code.

§ 13149. Notice.

The applicant shall post notice at the project site as required by Section 13054(b) and provide any additional notice to the public that the executive director deems appropriate. The executive director shall notify any persons known to be interested in the proposed development.

Note: Authority cited: Sections 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

§ 13180. Definition.

(a) The term “satisfactory manner” when used to characterize a response to a notice provided in accordance with the requirements of section 30809(b) of the Public Resources Code shall mean a response ~~that~~^{which} is made in the manner and within the timeframe specified in the notice, and either:

(1) provides information sufficient to demonstrate to the satisfaction of the executive director that either (A) the activity specified in the notice does not meet the criteria of section 30809(a) of the Public Resources Code or (B) the person(s) to whom the notice was directed is/are not responsible for the activity, or

(2)(A) provides all information concerning the activity requested by the notice, (B) results in an immediate and complete cessation of all work on the project, or portion thereof, specified in the notice, ~~and~~ (C) demonstrates, to the satisfaction of the Executive Director, that any affirmative actions required by the notice for the purpose of preventing irreparable injury to the area in which the activity is located can be undertaken legally without additional Coastal Act authorization, and (D) includes an agreement by the recipient(s) of the notice, followed by actions which fully carry out such agreement, to comply with all of the requirements listed in the notice in the manner and within the timeframe specified in the notice~~with any request to undertake measures for the purpose of preventing irreparable injury to the area in which the activity is located.~~

...

(c) The party receiving the notice may also: (i) choose not to attempt to respond to the notice in a “satisfactory manner” for purposes of subsection (a), or (ii) otherwise agree to the issuance of the cease and desist order.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30809(b), Public Resources Code.

§ 13181. Commencement of Cease and Desist Order Proceeding Before the Commission.

...

(b) The executive director may at his or her discretion extend the time limit for submittal of the statement of defense form imposed by any notice of intent issued pursuant to subsection (a) of this section, upon receipt, within the time limit, of a written request for such extension and a written demonstration of good cause. The extension shall be valid only to those specific items or matters that the executive director identifies to the ~~requesting party~~ that requested the extension as being exempt from the ~~submittal deadline for the Statement of Defense form,~~ and shall be valid only for such additional time as the executive director allows.

Once the applicable deadline for the submittal of (i) the Statement of Defense form or (ii) any specific items or matters for which the executive director has provided an extended deadline has passed, no additional defenses, factual claims, or supporting evidence may be submitted unless the responding party demonstrates to the satisfaction of the Executive Director that the late response could not have been submitted earlier, in which case the late response may nevertheless trigger a delay in the proceedings pursuant to section 13185(d) or otherwise.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30810, Public Resources Code.

*§ 13183. Contents of an Executive Director's Recommendation on Proposed Cease and Desist Order.

(a) The executive director shall prepare a recommendation on a proposed commission cease and desist order, ~~and shall post the recommendation to the commission's website at least ten days before the commission hearing on the proposed cease and desist order.~~

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 11125, Government Code; and Section 30810, Public Resources Code.

*The underlying text for subdivision (a) is the approved version from Rulemaking 2019-0619-055. The proposed strikeout would supersede (retract) an approved amendment.

*§ 13185. Procedure for Hearing on Proposed Cease and Desist Order.

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(d) each alleged violator may present its position(s) on the matter(s) relevant to the alleged violation or proposed order with particular attention to those issue(s) where an actual controversy exists between the staff and the party(ies). Presentation of evidence that could not have been set forth in a statement of defense form pursuant to section 13181 at the time of submittal may be grounds for a determination by the commission, in its discretion, (1) to trail the matter to later in the same day; (2) to postpone the matter to a later day of the same meeting; or (3) to continue the matter to a subsequent meeting;

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30810, Public Resources Code.

*The underlying text for subdivision (d) is the approved version from Rulemaking 2019-0619-055. The proposed edits are in addition to, and do not conflict with, the approved amendments.

§ 13190. Definitions.

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(b) "Damage" means any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by ~~unpermitted development~~ the violation.

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30811, Public Resources Code.

§ 13191. Commencement of Restoration Order Proceeding Before the Commission.

...

(b) The Executive Director may at his or her discretion extend the time limit for submittal of the statement of defense form imposed by any notice of intent issued pursuant to subsection (a) of this section upon receipt within the time limit of a written request for such extension and a written demonstration of good cause. The extension shall be valid only to those specific items or matters that the executive director identifies to the ~~requesting party~~ that requested an extension as being exempt from the ~~submittal~~

deadline for the Statement of Defense form and shall be valid only for such additional time as the executive director allows.

Once the applicable deadline for the submittal of (i) the Statement of Defense form or (ii) any specific items or matters for which the executive director has provided an extended deadline has passed, no additional defenses, factual claims, or supporting evidence may be submitted unless the responding party demonstrates to the satisfaction of the Executive Director that the late response could not have been submitted earlier, in which case the late response may nevertheless trigger a delay in the proceedings pursuant to section 13185(d) or otherwise.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30811, Public Resources Code.

*§ 13193. Contents of an Executive Director's Recommendation on Proposed Restoration Order.

(a) The executive director shall prepare a recommendation on a proposed restoration order, ~~and shall post the recommendation to the commission's website at least ten days before the commission hearing on the proposed cease and desist order.~~

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Note: Authority cited: Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 11125, Government Code; and Section 30811, Public Resources Code.

*The underlying text for subdivision (a) is the approved version from Rulemaking 2019-0619-055. The proposed strikeout would supersede (retract) an approved amendment.

§ 13248. Notification of Development Approvals.

Any public agency issuing a development permit for any excluded category of development or category of development within a specific geographic area for which notification requirements are specified in the commission's exclusion order shall notify the commission of such development approval in the same manner as required in Section 13315.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30610 and 30610.5, Public Resources Code.

§ 13250. Improvements to Existing Single-Family Residences

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(b)(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, an improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent ~~or~~ less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(a), Public Resources Code.

§ 13253. Improvements That Require Permits.

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(b)(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, a improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or increase in height by more than 10 percent of an existing structure;

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(b), Public Resources Code.

§ 13302. Coastal Development Permit Program Content.

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(f) Procedures for notification to the commission and any person who in writing has requested such information of any coastal development ~~permit that~~ which has been issued ~~and~~ of any coastal development permit application that ~~which~~ has been denied.

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Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30600, 30602, 30604, 30620, 30620.5 and 30625, Public Resources Code.

*§ 13318. Filing of Appeal from the Issuance of a Coastal Development Permit.

An appeal of a local government's issuance of a coastal development permit may be filed by any person qualified under Public Resources Code Section 30602. The appeal shall contain the information required by Section 13111. The appeal shall be received in the ~~appropriate~~ commission district office with jurisdiction over the local government ~~before or on~~ no later than 5 p.m. on the 20th working day after receipt of the notice of permit issuance by the executive director of the commission. An appeal of a denial shall comply with the requirements of Section 13319. An appellant may submit the appeal form via electronic mail, but the appeal shall be deemed to be timely filed only if it is received by the general email account of the district office with jurisdiction over the local government no later than 5:00 p.m. on the final day of the appeal period. Transmittal of an appeal to any other e-mail address does not constitute proper or timely submittal of the appeal form and the appeal shall be rejected.

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30600, 30602, 30604, 30620.5 and 30625, Public Resources Code.

*The underlying text for Section 13318 is the approved version from Rulemaking 2019-0619-055. The proposed changes are in addition to, and do not conflict with, the approved amendments, except for the last sentence proposed for strikeout, which would supersede (retract) an approved amendment.

*§ 13333. Filing an Appeal.

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(b) The appeal must be received in the ~~appropriate~~ district office with jurisdiction over the local government ~~on or before~~ no later than 5:00 p.m. on the twentieth (20th) working day after receipt of the notice of the final local government action. An appellant may submit the appeal form via email, but the appeal shall be deemed to be timely filed only if it is received by the general email account of the district office with jurisdiction over the local government no later than 5:00 p.m. on the final day of the appeal period.

~~Transmittal to any other email address does not constitute proper or timely submittal of the appeal form, and the appeal shall be rejected. For purposes of meeting the deadline, an appellant may e-mail the completed Notice of Appeal directly to the general email account of the appropriate district office, provided the appellant additionally mails the notice to the district office with a postmark no later than the close of the appeal period.~~

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600.5 and 30602, Public Resources Code.

*The underlying text for subdivision (b) is the approved version from Rulemaking 2019-0619-055. The proposed changes are in addition to, and do not conflict with, the approved amendments, except for the last sentence proposed for strikeout, which would supersede (retract) an approved amendment.

§ 13518. Resolution for Submittal.

(a) The LCP or LRDP shall be accepted for filing by the Commission only if it is submitted pursuant to a resolution adopted by the local government or the governing authority in accordance with the provisions of Public Resources Code Section 30510(a). ~~If an LCP is submitted in two phases or for separate geographic units, a resolution shall be required for each phase or separate geographic unit.~~ A single resolution may be adopted for a submittal containing multiple components, if the resolution specifies whether the intent for each component is to be proposed as a Land Use Plan, or to be proposed as an Implementation Plan. The executive director may combine or separate individual components as necessary to facilitate the Commission's review of the submittal.

(b) The requirements of Section 13544 shall be fulfilled following Commission certification or conditional certification of the LCP or LRDP. ~~A local government or governing authority may submit its proposed LCP or LRDP either:~~

~~(1) as a program that will take effect automatically upon coastal Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519 for LCPs, or Public Resources Code Section 30605 for LRDPs, or~~

~~(2) as a program that will require formal local government or governing authority adoption after commission approval.~~

~~Under either of the alternative procedures, the requirements of Section 13544 shall be fulfilled following Commission approval of the LCP or LRDP.~~

Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Sections 30510 and 30605, Public Resources Code.

*§ 13519. Contents of Submittal.

...

(b) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data in accordance with guidelines established by the Commission, that are in sufficient detail to allow review for conformity with the requirements of the California Coastal Act of 1976 and, for implementation plans, the certified land use plan. All documents should be readily reproducible and editable. All documents shall be submitted electronically as well as in hard copy. The land use plan or LRDP shall include a readily identifiable public access component as set forth in Section 13512. Land use maps shall be at a scale sufficiently detailed to show clearly the land use designations applicable to specific areas of the coastal zone and shall to the extent possible be correlated with and at a comparable scale to resource information and other mapped data.

...

Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Sections 30503 and 30510, Public Resources Code.

*The underlying text for subdivision (b) is the approved version from Rulemaking 2019-0619-055. The proposed changes are in addition to, and do not conflict with, the approved amendments.

*§ 13544. ~~Effective Date of~~ When Certification Becomes Effective of a Local Coastal Program.

(a) After the certification or conditional certification of a land use plan, implementation plan, or amendment to either local coastal program, the executive director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the local government that made the submittal submitted the local coastal program. The findings and any suggested modifications shall be posted to the Commission's website. The certification of a local coastal program resulting in the transfer of coastal development review authority pursuant to Public Resources Code Section 30519 shall not be deemed final and effective until all of the following occur:

(b) When the Commission certifies a plan or a plan amendment without any suggested modifications:

- (1) For a land use plan or amendment, the certification is effective immediately.
- (2) For an implementation plan or amendment where the standard of review is a certified and effective land use plan, the certification of the implementation plan or amendment is effective immediately.

(3) For an implementation plan or amendment where the standard of review is a conditionally certified land use plan, certification of the implementation plan or amendment is subject to subdivision (c) of Section 13542, and is effective immediately upon the land use plan becoming effective according to subdivision (c) of this Section.

(c) When the Commission has conditionally certified a land use plan, implementation plan, or amendment of either on the acceptance of suggested modifications, the certification is not effective, including for the transfer of coastal development review authority pursuant to Public Resources Code Section 30519, until all of the following occur:

~~(a)~~(1) The local government with jurisdiction over the area governed by the certified local coastal program, by action of its governing body, acknowledges receipt of the Commission's resolution of certification, including any terms or modifications which may have been suggested for final certification; accepts and agrees to any such terms and modifications; and takes whatever formal action is required to satisfy the terms and modifications (e.g. implementation of ordinances); and agrees to issue coastal development permits for the total area included in the certified local coastal program, as amended;

~~(b)~~(2) The executive director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order. ~~If the executive director finds that the local government action does not conform to the provisions of the Commission's action to certify the local coastal program, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal; and~~

~~(e)~~(3) The executive director reports the determination that the local government's action and notification procedures are legally adequate to the Commission at its next regularly scheduled public meeting.

(d) If the executive director finds that the local government action does not conform to the provisions of the Commission's action to certify the local coastal program, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

(d)(e) Notice of the certification of a local coastal program shall be filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Note: Authority cited: Section 30501, Public Resources Code. Reference: Sections ~~30519~~ and 21080.5 and 30519, Public Resources Code.

*The underlying text for Section 13544 is the approved version from Rulemaking 2019-0619-055. Except for reorganization, the proposed changes are in addition to, and do not conflict with, the approved amendments.

*§ 13544.5. Effective Date of Certification of a Land Use Plan.

~~(a) After the certification or conditional certification of a land use plan, the executive director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the local government that submitted the land use plan. The findings and any suggested modifications shall be posted to the Commission's website. The certification of a land use plan resulting in the transfer of coastal development review authority pursuant to Public Resources Code Section 30600.5 shall not be deemed final and effective until all of the following occur:~~

(b) When the Commission has certified a land use plan or amendment pursuant to Public Resources Code Section 30600.5 without modifications, the certification is effective immediately.

(c) When the Commission has conditionally certified a land use plan or amendment on the acceptance of modifications, the certification is not effective, including for the transfer of coastal development review authority pursuant to Public Resources Code Section 30600.5, until all of the following occur:

~~(a)(1) The local government with jurisdiction over the area governed by the certified land use plan, by action of its governing body, acknowledges receipt of the Commission's resolution of certification including any terms or modifications which may have been required for final certification; accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications (e.g. adoption of plan changes) and agrees to issue coastal development permits for the total area included in the certified land use plan, as amended, pursuant to Public Resources Code Section 30600.5.;~~

~~(b)(2) The executive director of the Commission determines in writing that the local government's action is legally adequate to satisfy any specific requirements set forth in the Commission's certification ~~order~~; and~~

~~(c)(3) The executive director of the Commission reports the determination to the Commission at its next regularly scheduled public meeting. If the executive director finds that the local government action does not conform to the provisions of the Commission's action to certify the land use plan, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal; and~~

(d) If the executive director finds that the local government action does not conform to the provisions of the Commission's action to certify the land use plan, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

~~(d)~~(e) Notice of the certification of a land use plan shall be filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(E).

Note: Authority cited: Section 30501, Public Resources Code. Reference: Sections ~~30600.5 and 21080.5~~ and 30600.5, Public Resources Code.

*The underlying text for Section 13544.5 is the approved version from Rulemaking 2019-0619-055. Except for reorganization, the proposed changes are in addition to, and do not conflict with, the approved amendments.

*§ 13547. Effective Date of Certification of a Long Range Development Plan.

(a) After the certification of the LRDP, the executive director of the Commission shall transmit copies of the resolution of certification and suggested modifications to the governing authority. The findings and any suggested modifications shall be posted to the Commission's website. The certification of the LRDP resulting in the abbreviated review procedure provided in Section 13550 pursuant to Public Resources Code Section 30606 shall not be deemed final and effective until all of the following occur:

(b) When the Commission has certified an LRDP or amendment without modifications, the certification is effective immediately.

(c) When the Commission has conditionally certified an LRDP or amendment on acceptance of modifications, the certification is not effective, including for implementation of the abbreviated review procedure provided in Section 13550, until all of the following occur:

(a)(1) The governing authority acknowledges receipt of the Commission's resolution of certification including any terms or modifications which may have been required for final certification; and the governing authority accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications;

(b)(2) The executive director of the Commission determines in writing that the action of the governing authority and the notification procedures of the LRDP for development projects required pursuant to Section 13511(f) are legally adequate to satisfy any specific requirements set forth in the Commission's certification

~~order. If the executive director determines that the governing authority's action and notification procedures do not conform to the provisions of the Commission's action to certify the LRDP, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal; and~~

~~(e)(3) The executive director reports the determination that the governing authority's action and notification procedures are legally adequate to the Commission at its next regularly scheduled public meeting.~~

(d) If the executive director determines that the governing authority's action and notification procedures do not conform to the provisions of the Commission's action to certify the LRDP, the Commission shall review the governing authority's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

Note: Authority cited: Section 30605, Public Resources Code. Reference: Sections 30605 and Section 30606, Public Resources Code.

*The underlying text for Section 13547 is the approved version from Rulemaking 2019-0619-055. Except for reorganization, the proposed changes are in addition to, and do not conflict with, the approved amendments.

§ 13549. Notice of the Impending Development.

(a) At least thirty (30) working days prior to beginning ~~construction for any development~~, the governing authority shall notify in writing the following parties of the nature and location of the impending development: the Commission, contiguous local governments, owners of each parcel of record within 100 feet of the proposed development, persons residing within 100 feet of the proposed development, and all other interested persons and agencies who have requested such notice. The governing authority shall post conspicuous notice of such impending development at the proposed site. Notice to the Commission, and interested persons and agencies who have so requested shall be accompanied by sufficient supporting information to allow determination of whether such development is consistent with the certified LRDP. All notification and physical posting for the impending development shall meet the requirements specified in the certified LRDP.

(b) Within ten (10) working days of the receipt of a notice of the impending development, the executive director shall review the notice. If there is insufficient supporting information to determine whether the proposed development is consistent with the certified LRDP, the executive director shall inform the governing authority of what further information is needed to make such determination. The notice shall be deemed filed when all necessary supporting information has been received by the executive director.

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Note: Authority cited: Sections 30333 and 30605, Public Resources Code. Reference: Sections 30605 and 30606, Public Resources Code.

§ 13551. Local Government Resolution.

(a) An amendment to a certified LCP or LRDP shall be accepted for filing by the Commission if the amendment is submitted pursuant to a resolution adopted in accordance with the provisions of Public Resources Code Section 30510(a) or is proposed pursuant to Public Resources Code Section 30515. A local government resolution may be adopted for a submittal containing multiple amendment components, if the resolution specifies whether the intent for each amendment component is to be proposed as an amendment to the certified land use plan, or to be proposed as an amendment to the certified implementation plan. The executive director may combine or separate individual amendment components as necessary to facilitate the Commission's review of the submittal.

~~(b) Following certification of the amendment, the requirements of Sections 13544, 13544.5, or 13547, as applicable, must be fulfilled. A local government or governing authority may submit a proposed amendment either (1) as an amendment that will take effect automatically upon Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519, or (2) as an amendment that will require formal local government adoption after Commission approval. Under either of the alternative procedures, the requirements of Sections 13544, 13544.5 or 13547 must be fulfilled following Commission approval of the amendment. For purposes of this Article, certified LCP or LRDP includes certified land use plan, LCP or LRDP or any portion thereof.~~

Note: Authority cited: Sections 30333, 30501 and 30605, Public Resources Code. Reference: Sections 30510, 30514, and 30605, and 30510, Public Resources Code.

*§ 13552. Contents of LCP or LRDP Amendment Submittal.

...

(b) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act and, for implementation plans, the certified land use plan. All documents should be readily reproducible and editable. All documents shall be submitted electronically as well as in hard copy. An amendment to a

land use plan or LRDP shall include, where applicable, a readily identifiable public access component as set forth in Section 13512.

...

Note: Authority cited: Section 30501, Public Resources Code. Reference: Sections 30510 and 30514, Public Resources Code.

*The underlying text for subdivision (b) is the approved version from Rulemaking 2019-0619-055. The proposed changes are in addition to, and do not conflict with, the approved amendments.

~~§ 13559. Submission of Final Environmental Documents for LRDPs.~~

~~At the time the governing authority submits its LRDP pursuant to Section 13518, it shall also submit either a final Environmental Impact Report or a negative Declaration. For purposes of the section and to avoid unnecessary duplication, the Environmental Impact Report and the LRDP may be submitted as a single document if such single document meets the substantive and procedural requirements of both the California Coastal Act of 1976 and the California Environmental Quality Act. Any public hearing on the LRDP may be combined with required public hearings for the review of environmental documents pursuant to the California Environmental Quality Act.~~

~~Note: Authority cited: Section 30501, Public Resources Code. Reference: Section 21100, Public Resources Code.~~

~~§ 13569. Dispute Resolution for Local Permit Processing Procedures Determination of Applicable Notice and Hearing Procedures.~~

~~(a) The determination of whether a proposed development is exempt or categorically excluded, or whether a decision on the proposal would be non-appealable, or appealable to the Commission for purposes of notice, hearing and appeals procedures shall be made by the local government as soon as practicable after at the time the application for development or the request for exemption or categorical exclusion within the coastal zone is submitted to the local government. This determination shall be made with reference according to the provisions of the Coastal Act, the certified Local Coastal Program, and Sections 13240-13253 and 13300 et seq., including based upon applicable any maps, coastal resources existing at the time of the application or request, categorical exclusions, land use designations, and zoning ordinances, which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable, or appealable:~~

~~(a)~~(b) The local government shall make its determination as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) and shall inform the applicant and the Commission district office with jurisdiction over the local government in writing of its determination as soon as practicable and at a minimum prior to providing the required notice for any potential permit action and prior to allowing any activity without a permit (for exemptions and exclusions), with reference to any the notice and hearing requirements for that particular development. The local determination may be made by any designated local government employee(s) or any local body as provided in local government procedures.

~~(b)~~(c) The executive director may review the local government determination independently, or at the request of the applicant or an interested person(s). If the executive director reviews the local government determination, he or she shall inform the local government of said review, and the local government shall supply, at a minimum, a copy of the application or request and a copy of its determination to the executive director. Within 30 working days, unless extended by the executive director for good cause, the executive director shall notify the local government, the applicant, and the interested person(s) who requested review, if any, in writing of his or her determination regarding whether the proposed development or request qualifies for exemption or categorical exclusion, or whether local government decisions on a permit for the proposed development would be appealable to the Coastal Commission. ~~If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion;~~

~~(c)~~ The executive director shall, within two (2) working days of the local government request, or as soon as feasible after a site inspection, (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable, or appealable:

~~(d)~~ Where, after the executive director's investigation, If the executive director's determination regarding the appropriate permitting process for the proposed development or request is the same as the local government's, then that determination shall apply to that proposed development or request, and there is no further challenge available. If the executive director's determination conflicts is not in accordance with the local government's determination, and the respective staffs are not able to resolve the conflict and reach agreement on the appropriate permitting process for the proposed development or request in a reasonable time, the executive director shall schedule a hearing as soon as practicable for the Commission shall hold a hearing to resolve the dispute. Only the local government, the applicant, and the interested person(s), if any, who made the request for review may testify at the hearing. Any person may submit written comments. The Commission shall make findings to support its decision, which shall be provided to the local government, for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the

determination for the next Commission meeting (in the appropriate geographic region of the state) following the local government request.

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30600, 30602, 30603, 30610, and 30625, Public Resources Code.

§ 13573. Exhaustion of Local Appeals.

(a) An appellant shall be deemed to have exhausted local appeals for purposes of Section 13111 and shall be qualified as an aggrieved person as defined by Public Resources Code Section 30801 where the appellant has pursued his or her appeal to the local appellate body or ~~(bodies)~~ as required by the local government LCP appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

(1) The local government or jurisdiction require an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program.

(2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.

(3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Article.

(4) The local government jurisdiction charges an appeal fee for the filing or processing of appeals.

(b) ~~Where a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that a local government may provide, by ordinance, that notice of commissioner appeals may be transmitted to the local appellate body (which considers appeals from the local body that rendered the final decision), and the appeal to the Commission may be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the commissioners shall be required to file a new appeal from that decision.~~

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30603, and 30625, and 30801, Public Resources Code.

§ 13637. Minor Amendments.

- (a) The governing body of a port may request the executive director of the commission to designate an amendment to the port master plan as being minor in nature pursuant to Public Resources Code, Section 30716(b). Any such amendment shall be submitted to the executive director and shall be accompanied by the same information supporting such amendment as would be required for any other amendment. Notice of such amendment shall be given to all persons who the executive director has reason to know may be interested. No sooner than 15 working days from the date that such notice was transmitted, the executive director shall make a determination as to whether to designate such amendment as minor in nature. Any such determination shall be in writing with findings supporting the determination and the conformance of the amendment with the provisions of this division. The determination shall be transmitted to those receiving notice. No amendment shall be designated minor in nature if it involves significant filling, dredging or diking or a type of use not specifically provided for in the certified master plan or if in the opinion of the executive director the proposed amendment would not be consistent with the provisions of this division, would materially alter any significant condition or situation that formed a basis for certification of the port master plan, would result in any substantial adverse environmental effect, or would have a reasonable risk of producing such a result. An amendment designated as being minor in nature shall not become effective for 10 working days following the designation by the executive director.
- (b) Any determination pursuant to subsection (a) shall be reported to the commission at its next regularly scheduled meeting by the executive director.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30716, Public Resources Code.